



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

*Am*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,686	03/28/2000	Yoshiko Sakagawa	48864-026	5237

20277 7590 08/27/2003  
MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER
----------

KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
2623	<i>9</i>

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/536,686	SAKAGAWA ET AL.
	Examiner	Art Unit
	Virginia M Kibler	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 18 June 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (6,031,941) in view of Lanne et al. (4,663,658).

Regarding claim 1, Yano et al. (“Yano”) discloses a 3-D data input method for inputting 3-D data using a 3-D data input apparatus that is constructed to input the 3-D data of an object displayed on a monitor screen 12 by shooting the object (Col. 3, lines 35-41), the method including generating image data of a 3-D shape model in accordance with the 3-D data inputted from a part of the object, the image corresponding to the shape of the 3-D data (Figure 5, element 55); displaying the image of the 3-D shape model on the monitor screen as a guide (Figure 3; Col. 4, lines 21-37). Yano discloses using the display as a guide for framing the image of the object in the finder window and then shooting the object (Col. 3, lines 62-67 and Col. 4, lines 1-7). Yano further discloses using the display in order to allow the user to monitor the input operation of the images to ensure the desired 3-D data are obtained (Col. 14, lines 38-40) and shooting the object after the framing is performed (Col. 7, lines 58-64). Yano does not disclose displaying the image to perform framing so that the guide image is overlapped on an image of the object image before shooting the object. However, Lanne et al. (“Lanne”) teaches that it is known to perform framing so that the guide image is overlapped on the object image (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the monitoring of the input images disclosed by Yano to include the framing as taught by Lanne to perform framing so that the guide image is overlapped on the object image because it will assist in positioning before shooting the object in order to obtain the required portion of the 3-D shape of the object (Yano, Col. 14, lines 58-64).

Regarding claim 2, the arguments analogous to those presented above for claim 1 are applicable to claim 2.

Regarding claim 3, Yano discloses a memory 14 for memorizing the 3-D data of the object obtained by the shooting (Figure 2).

Regarding claim 4, Yano discloses the image generator generates the 3-D model image in accordance with the data memorized in the memory (Col. 6, lines 57-67 and Col. 7, lines 1-4).

Regarding claim 5, the arguments analogous to those presented above for claim 1 are applicable to claim 5.

Regarding claim 6, Yano does not appear to disclose matching the image of the input portion with the guide image so that the scale of the guide image agrees with the scale of the object. However, Lanne teaches that it is known to match the image of the input portion with the guide image so that the scales agree (Col. 1, lines 29-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the guiding disclosed by Yano to include the matching as taught by Lanne because it will facilitate positioning of the object

Regarding claim 7, Yano discloses the shooting performed for plural positions different from each other (Col. 4, lines 8-13).

Regarding claim 8, Yano discloses the image of the 3-D shape model is retrieved from the memory (Fig. 8, memory 552; Col. 14, lines 15-20).

Regarding claim 9, Yano discloses the plurality of the image of 3-D shape model is memorized (Abstract; Col. 6, lines 57-67 and Col. 7, lines 1-4).

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

*VK*  
VK  
August 20, 2003

MEHRDAD DASTOURI  
PRIMARY EXAMINER  
*Mehrdad Dastouri*